

REPORT - PLANNING COMMISSION MEETING
May 26, 2005

Project Name and Number: **Housing Element Implementation Program 21**
(PLN2005-00080, PLN2005-00215, PLN2005-00217, PLN2005-00076)

Applicant: City of Fremont

Proposal: To consider both a City-initiated General Plan amendment and a rezoning application to allow multi-family housing, increase existing residential densities on multiple parcels, and adopt designations and zoning conforming to actual use of parcels comprising Sites 1, 2, 3, and 4 on approximately 46 acres of land that are located in four separate areas of the City, as follows:

Site 1 (PLN2005-00080) consists of approximately 15.6 acres of land, located on the south side of Paseo Padre Parkway between Ardenwood Boulevard and Tupelo Street in the Northern Plain Planning Area. The proposed project would change the existing General Plan land use designation of the site from Community Commercial to a combination of Low Density Residential (5-7 dwellings per acre), Medium Density Residential (15-18 dwellings per acre) and High Density Residential (23-27 dwellings per acre). A rezoning of the site from the P-81-15W (Planned Development) District to P-2005-80 (Planned Development) District is also proposed. A Negative Declaration has been prepared and circulated for this project.

Site 2 (PLN2005-00217) consists of approximately 7.9 acres of land (11 parcels) on the west side of Osgood Road approximately 200 feet north of Blacow Road located in the Irvington Planning Area. The proposed project would change the General Plan land use designation from Light Industrial (IL) / Institutional Open Space to High Density Residential (23-27 dwellings per acre) / Institutional Open Space and Low Density Residential (5-7 dwellings per acre). A rezoning of the site from Light Industrial to the R-3-27 (Multi-family Residential) District /OS-FW (Open Space – Flood Way Combining) and the R-1-6 (Residential Single Family) District is also proposed. A Negative Declaration has been prepared and circulated for this project.

Site 3 (PLN2005-00215) The third site includes four Bay Area Rapid Transit (BART) parcels, which currently are developed with a BART Transit Station, elevated rails and surface parking lots. The site is located on the north side of Walnut Avenue, east of Civic Center Drive and south of Mowry Avenue and contains a total of 19.6 acres. It is located in the Central Planning Area. Subarea A includes three parcels containing approximately 14 acres. The proposal is to add a Very High Residential (50-70 dwelling units per acre) designation to the existing Public Facilities/BART/Foot Trail/Study for Trail designation. Subarea B consists of a 5.65 acre parcel that fronts on Mowry Avenue. The proposal for this Subarea is to change the existing General Plan land use designation from High Density Residential (35 – 50 dwellings per acre) to Very High Density Residential (50-70 dwellings per acre). A rezoning from P (Planned Development) and R-3-50 District to P-2005-215 (Planned Development) District is proposed which allows mixed-use development provided the mid-point density requirement is achieved and follows the R-3-70 District standards for the residential development. A Negative Declaration has been prepared and circulated for this project.

Site 4 (PLN2005-00076) consists of approximately 2.43 acres of land located on Mount Vernon Avenue between Mowry Avenue and Capitol Avenue in the Central Planning Area. The project includes a rezoning from P-2002-216 (Planned Development) District to P-

2005-76 (Planned Development) District to allow residential development at a density of 70 units per acre above ground floor retail or service uses. A Negative Declaration has been prepared and circulated for this project.

Recommended Action: Recommend to City Council redesignation and rezoning of Sites 1, 2, 3 and 4 as detailed above.

Location: **Site 1 (PLN2005-00080)** consists of approximately 15.6 acres of land on the south side of Paseo Padre Parkway between Ardenwood Boulevard and Tupelo Street in the Northern Plain Planning Area.
Site 2 (PLN2005-00217) consists of approximately 7.9 acres of land located on 11 sites on the west side of Osgood Road, north of Blacow Road in the Irvington Planning Area.
Site 3 (PLN2005-00075) consists of approximately 19.6 acres of land located on the north side of Walnut Avenue, east of Civic Center Drive and south of Mowry Avenue in the Central Planning Area.
Site 4 (PLN2005-00076) consists of approximately 2.43 acres of land located on the on Mount Vernon Avenue at Mowry Avenue in the Central Planning area.

Assessor Parcel Number(s):
Site 1: 543-0439-130-00.
Site 2: 525-0339-003-02, 525-0339-011-02, 525-0339-010-04, 525-0339-005-00, 525-0339-006-00, 525-0339-007-00, 525-0339-008-00, 525-0339-009-00, 525-0339-012-00, 525-0339-013-00, 525-0339-014-00.
Site 3: 507-0465-001-39, 507-0465-001-52, and 501-1200-008-02.
Site 4: 501-1162-001-02, 501-1162-003-03, 501-1162-004-00, 501-1162-005-00, 501-1162-006-00, 501-1162-008-00, 501-1162-016-00, 501-1162-015-00, 501-1162-014-00, 501-1162-013-00, 501-1162-012-00, 501-1162-011-00 and 501-1162-018-00.

Area: +/- 45.85-Acres

Owners: **Site 1:** PACE Properties, LLC
Site 2: Eli Reinhard, D&J Construction, Johnnie R. & Ruthmary Hardy, Mark & Theresa Dubois, Ernest R. & Oberia P. Greene, Ronald J. Thygesen, Mission Peak Hall Association, Rene & Cecilia Salinas, James L. & Wanda E. Baker, Quiterio R. & Pacita D. Racca Trs. & Rudy Racca, Etal.
Site 3: San Francisco Bay Area Rapid Transit (BART)
Site 4: City of Fremont, Paul and Darlene Lee, Elizabeth and Loze Erika Holguin, Edward L. Mumford, Charles M. Swan, Juliette P. Bryner, Sam and Hilda Hariz, Shirley M. Ahmad, Bhupinder Bandari, Monet Vernon LLC, Kamlesh R. & Meena K. Jinjuwadia.

Agent of Applicant: None

Consultant(s): None

Environmental Review: A Mitigated Negative Declaration was prepared and circulated for this project.

Existing General Plan: **Site 1:** Community Commercial
Site 2: Light Industrial/Institutional Open Space
Site 3: Public Facilities/Foot Trail/Study for Trail; High Density Residential (30-50 dwellings per acre)
Site 4: Central Business District (CBD)

Existing Zoning: **Site 1:** P-81-15W)

Site 2: IL (Light Industrial)/O-S (Open Space)/FW (Floodway Combining)
Site 3: P and R-3-50
Site 4: P-2002-216

Existing Land Use: Vacant and underutilized lands with the following uses:
Site 1: vacant lot
Site 2: light industrial and single-family residential buildings
Site 3: BART station, rails and parking
Site 4: single-family dwellings and medical office buildings

Public Hearing Notice: Public hearing notification is applicable. A total of 901 notices were mailed to owners and occupants of property within 300 feet of the parcels for each Site area. The notices to owners and occupants were mailed on May 13, 2005 for all four Sites. A Public Hearing Notice was delivered to The Argus on May 9, 2005 to be published by May 12, 2005.

Executive Summary: This proposal generally implements a portion of Program 21 (Redesignation Commercial and/or Industrial Lands on the Easterly Side of Interstate 880 for Residential Use) of the Housing Element. Program 21 consists of the rezoning and redesignation of 27 commercial and industrial designated properties to accommodate a range of housing densities for the production of housing. In addition to the commercial and industrial parcels, one of the sites under consideration includes three BART parcels that are currently designated as Public Facilities/BART. Because of its location in the Central Business District (CBD) and relationship to the overall development of the CBD Concept Plan, it is being considered in this cycle for redesignation because it offers a unique opportunity site for the production of very high density residential housing within a mixed-use, transit-oriented environment.

Staff is requesting that the Planning Commission recommend approval of the proposed Mitigated Negative Declaration and the General Plan redesignations and rezonings to the City Council.

Background: The City is charged by State statute with responsibility for updating its Housing Element. A Housing Element is a planning document (part of the General Plan) that guides the City's housing efforts. The Element not only provides general goals, objectives and policies but also proposes implementation programs to meet the stated goals and objectives. The Housing Element must also address the City's allocation of housing needs prepared by the Association of Bay Area Governments. The Association of Bay Area Governments (ABAG) has determined the 1999-2006 Regional Housing Needs Distribution Allocation for all Bay Area cities and counties, including Fremont. The total housing need for Fremont is 6,708 units (revised to 4,912 based on recent housing production as set forth in the Housing Element). This allocation is based upon ABAG's projections of the City's share of regional job growth and regional household growth during the 1999-2007 period. (The State later extended the period to 2007.)

Existing law requires the State Department of Housing and Community Development (HCD) to evaluate the programs in the housing element for consistency with State law. Those programs include the identification of sites to be made available to encourage the development of a variety of types of housing for all income levels.

On February 12, 2002, the City Council adopted a new Housing Element to replace the previously adopted (May 1991) Element. Council adopted a revised Housing Element on May 13, 2003. On July 17, 2003, HCD informed the City of Fremont that the Housing Element adopted by the City Council on May 13, 2003 was found in compliance with State law. HCD reiterated the need for the City to meet the established timeframes. The City submitted an annual report to HCD on the progress in implementing identified Housing Element programs prior to the October 1, 2004 deadline. The next report will be due on October 1, 2005.

Proposal: The following sites are currently being proposed for redesignation and/or rezoning to residential:

Site 1 (PLN2005-0008) consists of approximately 15.6 acres of land on the south side of Paseo Padre Parkway between Ardenwood Boulevard and Tupelo Street in the Northern Plain Planning Area.
Site 2 (PLN2005-00217) consists of approximately 7.9 acres of land located on 11 sites on the west side of Osgood Road, north of Blacow Road in the Irvington Planning Area.

Site 3 (PLN2005-00075) consists of approximately 19.6 acres of land located on the north side of Walnut Avenue, east of Civic Center Drive and south of Mowry Avenue in the Central Planning Area.

Site 4 (PLN2005-00076) consists of approximately 2.43 acres of land located on Mount Vernon Avenue at Mowry Avenue in the Central Planning area.

Project Description: Staff proposes the redesignation and/or rezoning of 27 properties to carry out the implementation of the Housing Element. This is being considered on May 26th as part of the fourth grouping of redesignations and rezonings required to implement strategies of the Housing Element related to increasing opportunities for the production of housing in Fremont. The first grouping of sites was for Program 22 (Redesignation and Rezoning of Older Shopping Center Sites), and Program 23 (Rezoning Sites to Mixed-Use to Accommodate Affordable Housing Developments) of the Housing Element, and was approved by the City Council in December 2003. The second grouping of sites, which included Programs 18 (Increasing Densities on Existing Designated Vacant and Underutilized Parcels), 19 (Redesignation of Lands Along Transit Corridors and 21 (Commercial and Industrial Redesignation), were approved in July 2004. The third grouping of sites under Program 18, were approved in December 2004.

In Program 21, the Housing Element provides that commercial and industrial designated properties, generally east of I-880 should be considered as opportunity sites for additional housing. During the preparation of the Housing Element, the City identified several sites in different planning areas that fell under this category. In order to make the process of redesignation manageable, staff is bringing forth groupings of sites in several cycles in 2004/2005. The fourth cycle before the Planning Commission at this time includes four sites on approximately 46 acres that are located in the Northern Plain, Irvington, and Central Planning Areas.

The Sites that have been identified for redesignation and rezoning at this time are included as Attachments to this Report. Exhibits labeled "A" identify the proposed General Plan redesignations; exhibits labeled "B" identify the rezonings for the subject Sites; and the Planned Development Districts are labeled as Exhibits "C". The following is a description of these Sites including proposed redesignations and rezoning:

Site 1 (PLN # 2005-00080) is an approximately 15.6 acre site that is located on the south side of Paseo Padre Parkway between Ardenwood Boulevard and Tupelo Street. Site 1 is predominantly vacant, with the one permanent structure being a small modular office (closed) and on-site paved parking area in the southwest corner of the site. With the exception of ornamental trees planted around the closed modular office, no other vegetation exists on this site. This site is generally flat and contains no unique topographic or other natural features. The project proposes a General Plan land use redesignation from Community Commercial to a combination of Low Density Residential (5 acres at 5-7 dwellings per acre), Medium Density Residential (5 acres at 15-18 dwellings per acre) and High Density Residential (5.5 acres at 23-27 dwellings per acre). At the same time, Site 1 would be rezoned from "P-81-15W" to "P-2005-80." This would be a new P District that will set up specific uses/standards for this site, including height, bulk, setback and similar land use standards, and provides guidelines for the development of residential uses that meet the Housing Element Goals in a manner that is compatible with surrounding residential properties.

Surrounding land uses adjacent to Site 1 include vacant land to the north and west, single-family detached dwellings to the east and generally to the south and a small complex of multi-family dwellings to the southwest.

Site 2 (PLN2005-00073) consists of approximately 7.9 acres of land (11 parcels) on the west side of Osgood Road, approximately 200 feet north of Blacow Road. The parcels comprising Site 2 are developed with light industrial and residential uses. One parcel contains 4.6 acres of land and is located approximately 200 feet north of the intersection of Osgood and Blacow Road. It has been developed with a low-intensity (i.e. single story) light industrial complex. Eight smaller parcels front onto Osgood Road, immediately to the east of the light industrial complex. These parcels comprise approximately 1.5 acres and are developed primarily with single-story, single-family residences, some of which contain light industrial uses. Site 2 also includes a parcel that is located north of the industrial complex, separated by two intervening properties. This property contains 1.82 acres of land and is also developed with light industrial uses. The project proposes the General Plan land use redesignation of both properties that are developed as industrial complexes from Light Industrial (IL) to High Density Residential (23-27 dwellings per acre). The larger parcel also includes an Institutional Open Space designation over the north

boundary that contains a flood control channel. In addition, the eight smaller parcels containing single-family structures are proposed for redesignation from IL to Low Density Residential (5 – 7 dwellings per acre). Site 2 is currently zoned IL (Light Industrial) and IL FW (Light Industrial Floodway Combining District) and is proposed to be rezoned to the R-3-27, FW and R-1-6 Districts, accordingly.

Land uses surrounding Site 2 include light industrial uses to the north and south, and a portion of the properties to the east, across Osgood Road, industrial buildings to the south and railroad tracks to the east.

Site 3 (PLN#2005-00215) consists of three BART parcels, which are currently developed with a BART transit station, elevated rails and surface parking lots. The site is located on the north side of Walnut Avenue, east of Civic Center Drive and south of Mowry Avenue in the Central Planning Area. Site 3 contains a total of 19.6 acres of land. The project involves two subareas: Subarea A includes three parcels containing approximately 14 acres. The proposal is to add a Very High Residential (50-70 dwelling units per acre) designation to the existing Public Facilities/BART/Foot Trail designation of parcels within this Subarea A. Subarea B consists of a 5.65 acre parcel that fronts on Mowry and is currently designated High Residential Density (35 – 50 dwellings per acre) and is zoned R-3-50. The proposal is to redesignate the entire Site 3 to a Planned District (P-2005-215), which allows mixed use development to include the BART facilities and limited office development provided the mid-point residential density goal is achieved. The residential development standards follow the R-3-70 District standards.

Surrounding land uses include the Washington Hospital complex to the east, offices to the south, open space lands to the east and south and a combination of higher density condominium dwellings and offices to the north.

Site 4 (PLN2005-00076) consists of approximately 2.43 acres of land located on Mount Vernon Avenue between Mowry Avenue and Capitol Avenue in the Central Planning Area. Existing uses include single-family homes and 3 medical office buildings. The existing General Plan land use designation for this site is Central Business District (CBD), which is not proposed to be amended as part of this project. The project does include a proposed zone change from P-2002-216 (Planned Development) to P-2005-76 (Planned Development). The proposed Planned Development rezoning would amend the P-2005-76 district to allow the property owners flexibility to continue existing residential and offices uses, as well as convert them to a density of 50 to 70 dwellings per acre with requirement for ground floor commercial in conformance with the adopted CBD Concept Plan and land use designation for the site. The purpose statement of the new Planned District requires that development be consistent and compatible with the downtown plan, when adopted.

Land uses surrounding Site 4 include commercial development to east, west and south. Multiple family residences have been constructed to the north.

Analysis: The sites that are proposed for redesignation and rezoning under this grouping of sites are considered prime candidates for redesignation because they are located on arterial streets or major collector streets, have been identified as potential residential sites in adopted specific plans, conceptual plans or the Housing Element, and/or offer unique opportunities for the production of housing, many in a transit-oriented environment.

The current General Plan land use designations for all the currently identified sites are Community Commercial, Commercial Office and Industrial, with the exception of the BART parcels. The BART parcels are currently designated High Density Residential (35-50 dwellings per acre) and Public Facilities/Foot Trail. The proposed General Plan redesignations of these sites will result in a total of approximately 46 acres of land in a range of low, medium, high and very high-density residential designations in different areas of the City. The proposed General Plan land use designations are identified in Exhibits "A" for each site.

General Plan Conformance: The proposed General Plan amendment will generally redesignate Sites 1, 2, and 3 for new and/or increased residential designations. Site 4 does not require a General Plan redesignation, as it already includes a very high density designation as prescribed in the Central Business District Concept Plan. The following General Plan Goals, Objectives and Policies are applicable to the proposed designations:

Fundamental Goal F8: *"A Diversity of residential, recreational, cultural, employment and shopping opportunities"*

Fundamental Goal H3: *“Housing affordable and appropriate for a variety of Fremont households at all economic levels throughout the city consistent with the Hill Area Initiative of 2002”.*

Housing Program Strategy

Implementation 21: *Commercial and Industrial Re-designation...The City will actively solicit property owners and developers interested in the re-designation of commercial and/or industrial lands on the easterly side of Interstate 880 for residential use. From the identified candidate sites, the City Council will determine the suitability of sites for conversion in accordance with other General Plan goals, objectives and policies in order to meet the objectives. Properties to be converted will be rezoned to R-3 (Multiple-Family Residential) or P (Planned) districts at densities ranging from 5 to 50 units an acre to accommodate a total of 753 units.*

CBD Concept Plan

Housing Regulations: Allowed Density: Housing would only be permitted in the CBD if it met minimum density requirements. Minimum densities for the CBD should be 50 dwelling units per acre.
Mixed-Use Development: In most subdistricts, housing would only be permitted as part of mixed-use development projects. Wholly residential project would only be allowed in Subdistrict 7, on the east side of the BART tracks. The percentage of mix would be determined on a case-by-case basis by the Planning Commission and City Council through the PD process.

The proposed General Plan redesignations accommodate additional densities on the four sites and are consistent with these land use and Housing Element goals and policies and Housing Element implementation strategies because redesignation of sites will allow increased opportunities for the production of housing in a wide range of densities. Where appropriate, they will accommodate residential uses at the minimum established mid-point density ranges, and will implement key Housing Element Strategies that are intended to facilitate the production of new housing in the City of Fremont, some of which will be near mass transit, and all of which will be near existing streets and utilities.

Zoning Regulations: Site 2 is zoned Light Industrial (I-L); Site 3 is zoned Public Facilities (PF), and Sites 1 and 4 have pre-existing Planned District zoning classifications. Under this Program 21 grouping, Site 1 is proposed for rezoning to R-3-27. Planned Districts are proposed for Sites 1, 3 and 4. Future residential development on all of these sites will be based primarily upon the development standards of the R-3 zoning district, with additional development standards that relate to the specific unique characteristics of each site, as identified in the Planned District Statement Exhibits “C”.

Zoning District Analysis:

Site 2 / PLN2005-00217: The two larger parcels in this Site 2 are proposed to be rezoned to R-3-27 (Multi-Family Residential) District. Properties to the north of these sites were rezoned to the R-3-27 district during the June 2004 cycle of redesignations and rezoning. Thus, the rezoning to R-3-27 would be consistent with the rezoning of parcels in the immediate vicinity that has occurred in the last year to create opportunities for residential development in the area. Site 2 also includes the eight small parcels that front on Osgood Road and which are currently developed with residential buildings. Given the changing land use designations to residential for most of the area west on Osgood Road and north of Blacow Road, it is proposed that these parcels be redesignated to conform with their existing built residential density (5-7 units per acre) and to rezone them to R-1-6 (Single-Family Residential) District, accordingly.

Site 3 / PLN2005-215, Subarea B: A R-3-70 is proposed for the parcel east of the BART tracks and fronting on Mowry, which currently contains parking lot area for the BART station. This site was rezoned to R-3-50 during a previous redesignation/rezoning grouping. The CBD Concept Plan Housing Regulations (listed above) require that all residential densities in the CBD be at a minimum of 50 dwelling per acre. The current R-3-50 designation would allow a mid-point density of 42.5 dwellings per acre, which, if developed at the mid-point range, would make the site

inconsistent with this CBD regulation. Thus, the proposed redesignation and rezoning are proposed so that the site will conform to the CBD Concept Plan regulations.

Planned Districts: The Housing Element anticipates that Planned District zoning would be applied to certain sites, and that each Planned District would: (1) specify the uses allowed on the site; (2) establish a density range that is allowed by right; and (3) prescribe that the process for subsequent review of a project will require only Site Plan and Architectural Approval by the Planning Commission, in lieu of the requirement for approval of a Precise Plan by ordinance, which requires City Council approval.

New Planned Districts are proposed for Sites 1 / PLN2005-00080, Site 3 / P-2005-00215), and Site 4 / PLN2005-00076 (See Exhibits "C"). As required by the Housing Element, residential developments must achieve at the minimum, the mid-point density within the established density range for the site.

Site 1 / PLN2005-00080 is already designated for P (Planned Development). The new Planned District for Site 1 provides for the development of a mix of residential densities in accordance with the recommended redesignation of the site.

A Planned District (P-2005-215) is proposed for Site 3, which allows mixed use development provided that the minimum mid-point density goal is achieved and follows the R-3-70 District standards for the residential development. Of the approximate 14 acres within Subarea A that are currently developed with the BART station facility and parking lots, it is anticipated that approximately 5 acres are viable for residential development which can yield approximately 350 units. It is anticipated that, if further housing is to be pursued on this site, sufficient room would remain to allow construction of one or more parking structures to accommodate BART patrons. Mixed uses would be allowed to include ground floor retail and office (including office above the ground floor), provided the minimum residential mid-point densities are achieved for the site. All 5 acres comprising Subarea B would be developed with residential uses, following the R-3-70 District Standards.

The Planned District for Site 4 / PLN2005-00076 incorporates the provisions of the existing approved Planned District for the site (PLN2002-216) while adding high density residential (50 – 70 dwellings per acre) in the upper levels of buildings to the list of permitted uses. Lower levels of buildings could be developed with pedestrian-oriented retail and service uses. This is in accordance with the densities provided for in Subarea 4 of the CBD Concept Plan. The new Planned District will continue to allow existing single-family and office uses to remain with limited opportunities for additions/expansions until such time as the area develops at the higher densities envisioned in the CBD Concept Plan. The residential uses would be permitted (and encouraged) at an established mid-point residential density range consistent with the density range of the proposed residential designation. This Site 4 was considered by the Planning Commission during a prior redesignation and rezoning cycle and was recommended for approval to the City Council. However, the matter was tabled because of concerns with timing related to the development of the downtown plan. Language has been added to the Planned District, which requires that residential development at the prescribed very high density range will be consistent and compatible with the downtown project, when adopted. Because of the developed homes and businesses on Mount Vernon, and their inherent value, the timing for the redevelopment of Mount Vernon is anticipated to not be in conflict with the development of the downtown project, given the parcel consolidation process necessary to achieve the required very high density.

Section 8-21811(i) of the Zoning Ordinance requires certain findings for City-initiated P districts. This section states that after a public hearing the City Council may establish a P district provided that the Council finds the following:

- (1) The property is designated in the General Plan as having a relatively unique feature, and because of the need for specific design to achieve the objectives of such special General Plan designation, the property can best be established as a P district; or
- (2) The uniqueness of the size, shape, topography of the property or its relationship to adjacent parcels, historical character or landscaping features is such that the property can best be developed as a P district.

Staff believes both findings can be made for the proposed Planned Districts. The designation of the sites to incorporate previously approved planned district requirements and their location adjacent to major arterials warrants special design treatment to achieve the objectives of the proposed Planned Districts.

Property owner outreach: All owners of property within all four sites were mailed notices in April 2005 regarding the City's intent to consider their property in this redesignation/rezoning effort. Staff has contacted property owners directly, where phone contact information was available. In general, property owners are supportive of the proposed redesignations.

Public Contact: Staff has received several phone calls and e-mails from residents in the vicinity of all Sites 1, 2 and 3. Inquiries related to Site 1 were received requesting clarification regarding the proposed density range and how it will relate to existing adjacent residential neighborhoods. For Site 2, most comments related to an adjacent industrial site where tenants were concerned whether the rezonings applied to their sites. When informed that the rezonings did not include their businesses, they expressed no opposition. For Site 3, adjacent business owners have expressed concern over the potential parking issues that would result with development at increased density proposed for the area.

Environmental Analysis: An Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Plan have been prepared for this project. A finding is proposed that this project would not have a significant effect on the environment. Accordingly, a Draft Mitigated Negative Declaration has been prepared for consideration by the Planning Commission and City Council. The review period for the Initial Study and Mitigated Negative Declaration began on April 27, 2005 and will conclude on May 26, 2005. A Draft Mitigation Monitoring and Reporting Program has been prepared for the project and is attached to this report. The Planning Commission should make a recommendation on the Draft Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program based on comments made up to the time of the Planning Commission meeting. If any comments are received after the Planning Commission meeting, responses will be provided to the Council prior to their action.

The Initial Study indicates that all sites contain mature trees, many planted for landscape enhancement purposes, as part of development approvals. Some of the trees may meet City requirements for a heritage tree and loss of such heritage trees could be a potentially significant impact. Prior to development on any of the sites, an arborist report shall be prepared to assess potential loss of any heritage trees. If heritage or other significant trees are identified, the arborist shall prepare a tree preservation plan to protect such trees during construction and to ensure long-term health of such trees. If heritage or other significant trees cannot be retained, a tree replacement program shall be prepared, in accordance with the City's tree ordinance. The Initial Study also indicates that potential historic resources may exist on Sites 1 and 3. Historical resource surveys(s) shall be conducted by a qualified architectural historian to identify the significance of each of the potential historic resources prior to any proposed development. None of these issues would preclude development of the properties. However, such environmental and historic resource factors may be used to justify achieving less than the midpoint minimum density when a specific development is proposed. All new residential construction requires review and approval through the Site Plan and Architectural Approval, which is reviewed by the Planning Commission.

The Initial Study conducted for the project has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on any wildlife resources. Based on this finding, a Certificate of Fee Exemption will be submitted with the Notice of Determination after project approval, as required by Public Resources Code section 21089. The Certificate of Fee Exemption allows the project to be exempted from the review fee and environmental review by the California Department of Fish and Game.

Response from Agencies and Organizations: Staff has not received any substantive comments on the Mitigated Negative Declaration for this project.

This project was submitted to the Alameda County Congestion Management Agency (ACCMA) for review to determine if implementation of the proposal would create an impact on the regional transportation network. The agency responded with no comments on the Program 21 Sites.

Exhibits:	Exhibit "A"	General Plan Exhibit – Site 1/PLN2005-00080
	Exhibit "B"	Zoning Exhibit – Site 1/PLN2005-00080
	Exhibit "C"	Planned District Exhibit –Site 1/PLN2005-00080
	Exhibit "A"	General Plan Exhibit – Site 2/PLN2005-00217
	Exhibit "B"	Zoning Exhibit – Site 2/PLN2005-000217
	Exhibit "A"	General Plan Exhibit – Site 3/PLN2005-00215
	Exhibit "B"	Zoning Exhibit – Site 3/PLN2005-00215
	Exhibit "C"	Planned District Exhibit – Site 3/ PLN2005-002155
	Exhibit "B"	Zoning Exhibit – Site 4/PLN2005-00076
	Exhibit "C"	Planned District Exhibit – Site 4/ PLN2005-00076

Enclosures: Initial Study and Draft Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program

Recommended Actions:

1. Hold separate public hearings on Sites 1, 2, 3 and 4.
2. Recommend to the City Council that the initial study conducted for Sites 1, 2, 3 and 4 / PLNs 2005-00080, 2005-00217, 2005-00215 and 2005-00076 has evaluated the potential impacts for redesignations and rezonings that could cause an adverse effect, either individually or cumulatively, on wildlife resources, and find that there is no evidence the project would have any potential adverse effect on wildlife resources.
3. Recommend to the City Council the adoption of Draft Mitigated Negative Declaration for Sites 1, 2, 3 and 4 / PLNs 2005-00080, 2005-00217, 2005-00215 and 2005-00076 with accompanying Certificate of Fee Exemption finding that it reflects the independent judgement of the City of Fremont, and finding that there is no substantial evidence that the project, as mitigated, will have a significant impact on the environment.
4. Recommend to the City Council the adoption of the Mitigation Monitoring and Reporting Program.
5. Find that General Plan Amendments, the Rezoning to Planned Districts (P-2005-80, P-2005-215, and P-2005-076) are in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use and Housing Element Chapters as enumerated within the staff report.
6. Find that the existing commercial sites have relatively unique features and that their designation for higher density residential or combination of commercial and residential developments requires specific design considerations to achieve these objectives; and are identified in the Housing Element such that the properties can best be developed as Planned Districts.
7. Make separate recommendations for each site recommending that the City Council approve Exhibits "A" (General Plan Amendments), Exhibits "B" (Rezonings), and Exhibits "C" for the Planned Districts P-2005-80, P-2005-215 and P-2005-76 for the following sites:

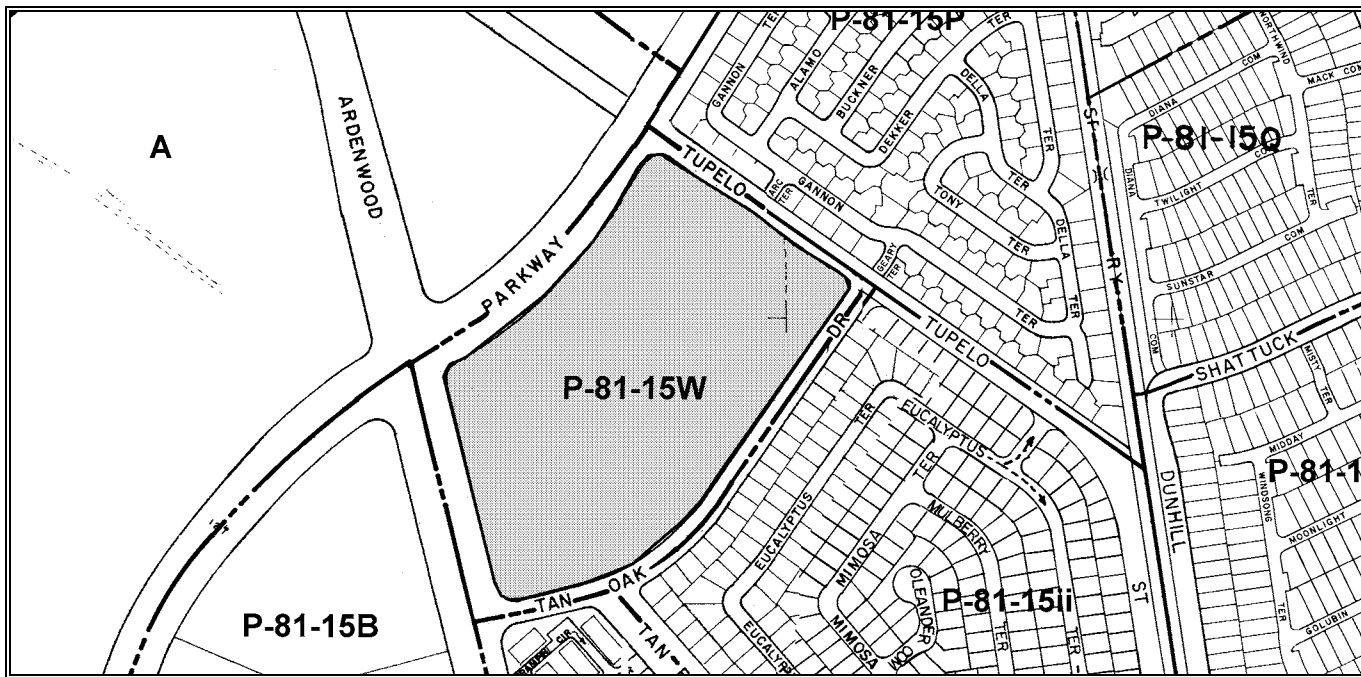
Site 1 (PLN2005-00080) consists of approximately 15.6 acres of land on the south side of Paseo Padre Parkway between Ardenwood Boulevard and Tupelo Street in the Northern Plain Planning Area.

Site 2 (PLN2005-00217) consists of approximately 7.9 acres of land (11 parcels) located on the west side of Osgood Road, north of Blacow Road in the Irvington Planning Area.

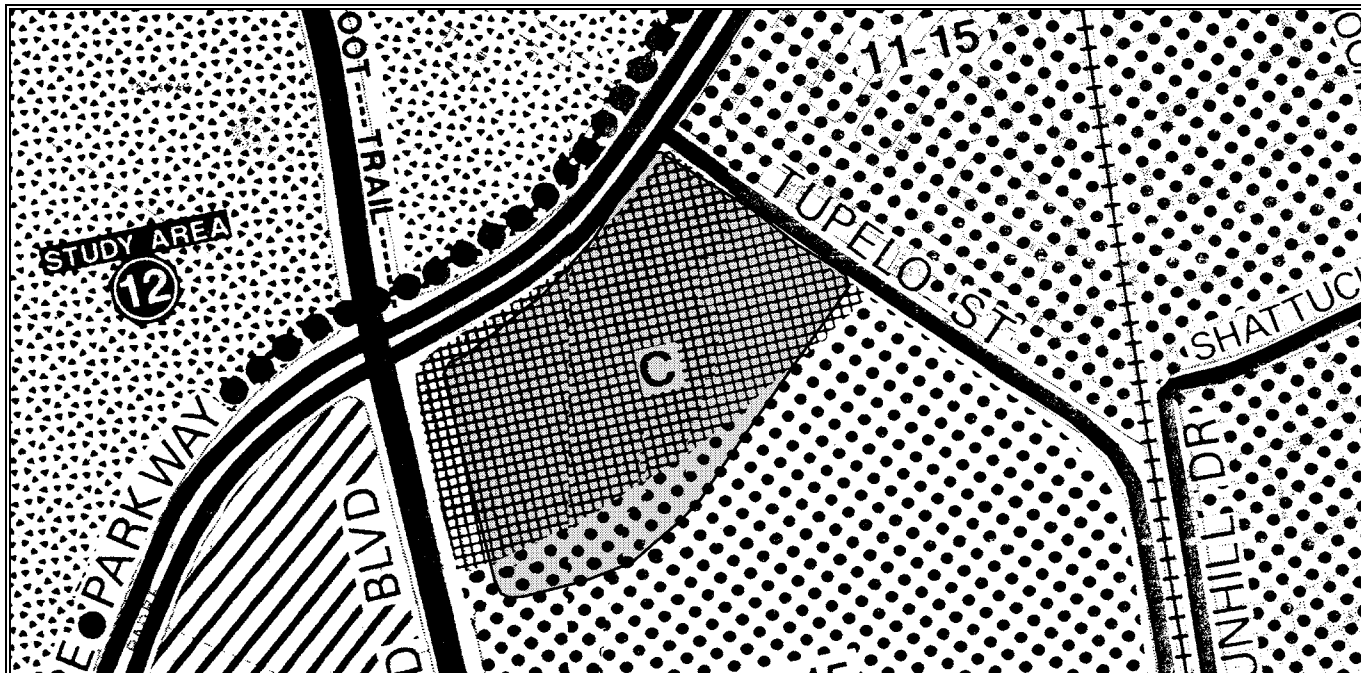
Site 3 (PLN2005-00215) consists of approximately 19.6 acres of land located on the north side of Walnut Avenue, east of Civic Center Drive and south of Mowry Avenue in the Central Planning Area.

Site 4 (PLN2005-00076) consists of approximately 2.43 acres of land located on the on Mount Vernon Avenue at Mowry Avenue in the Central Planning area.

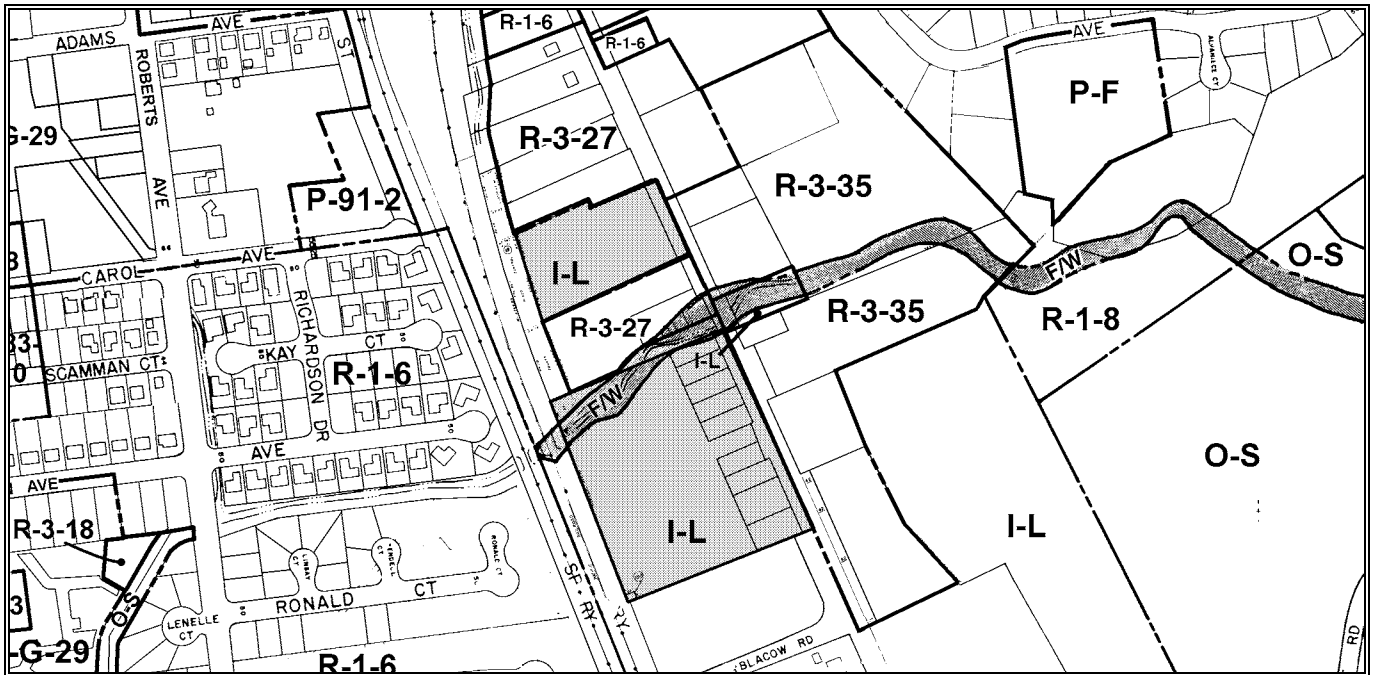
Existing Zoning
Shaded Area represents the Project Site



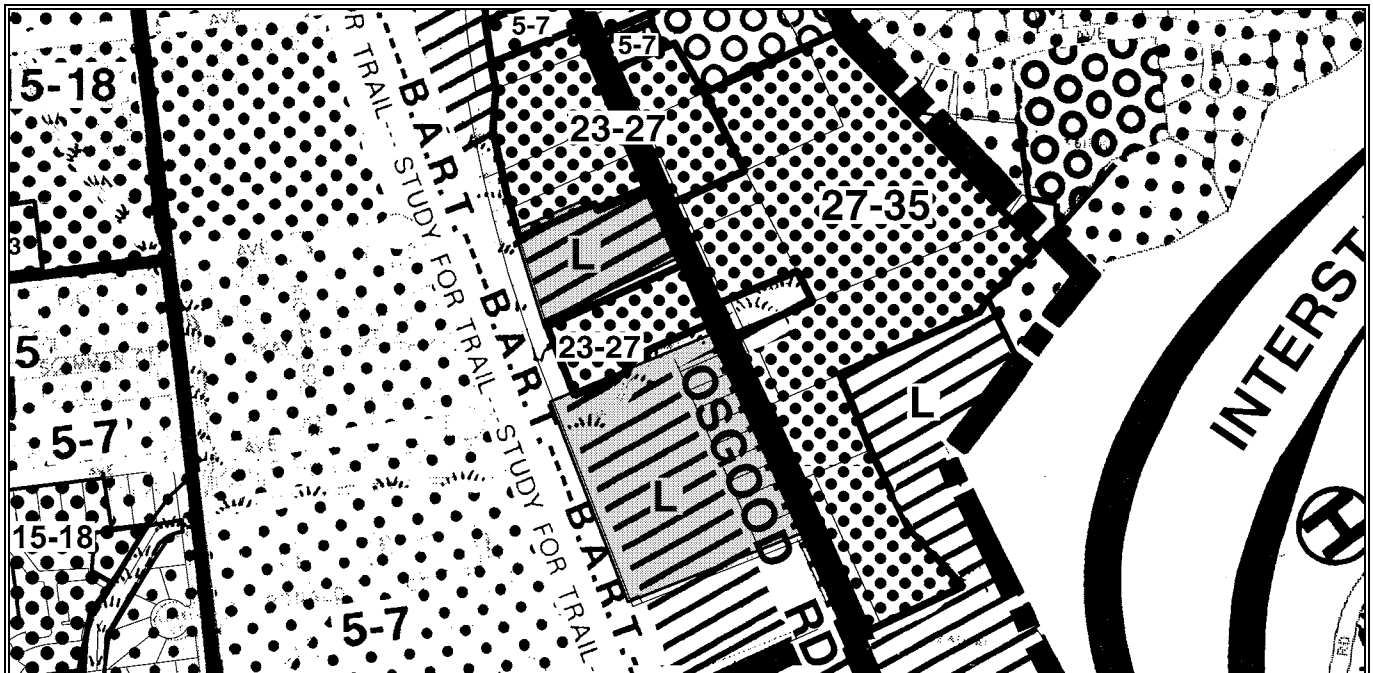
Existing General Plan



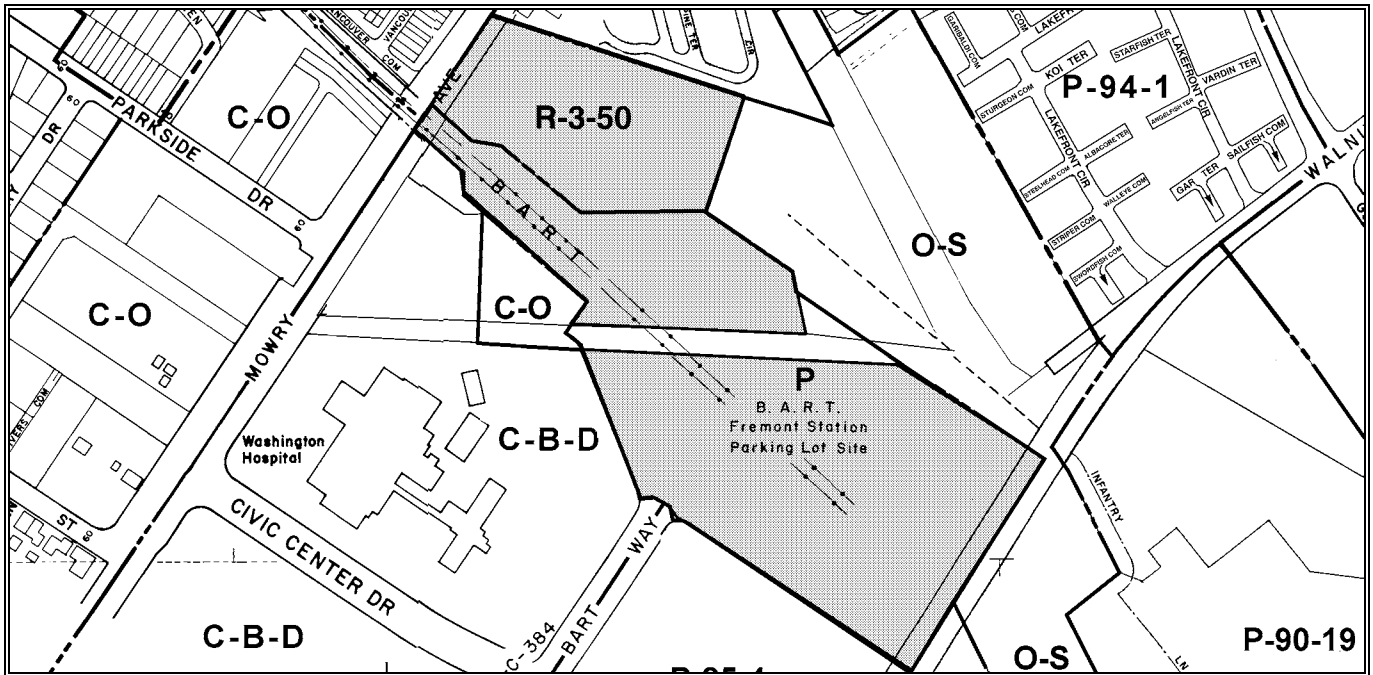
Existing Zoning
Shaded Area represents the Project Site



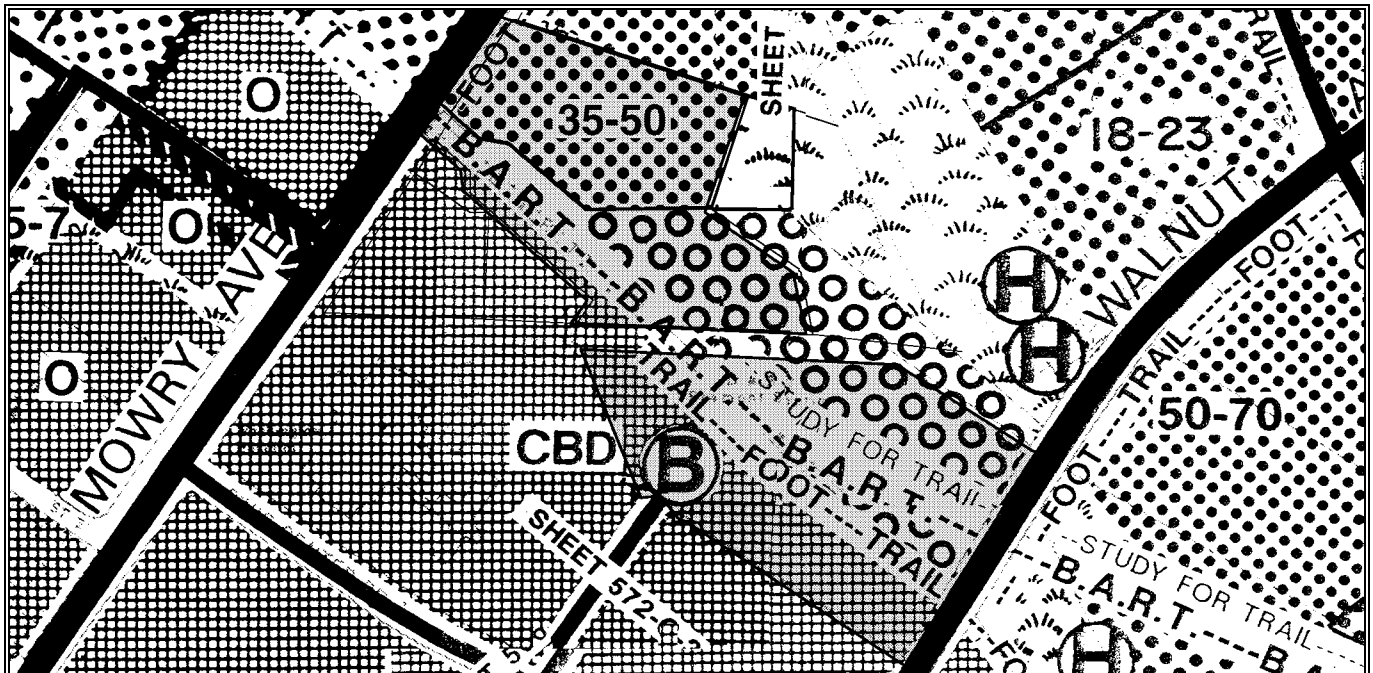
Existing General Plan



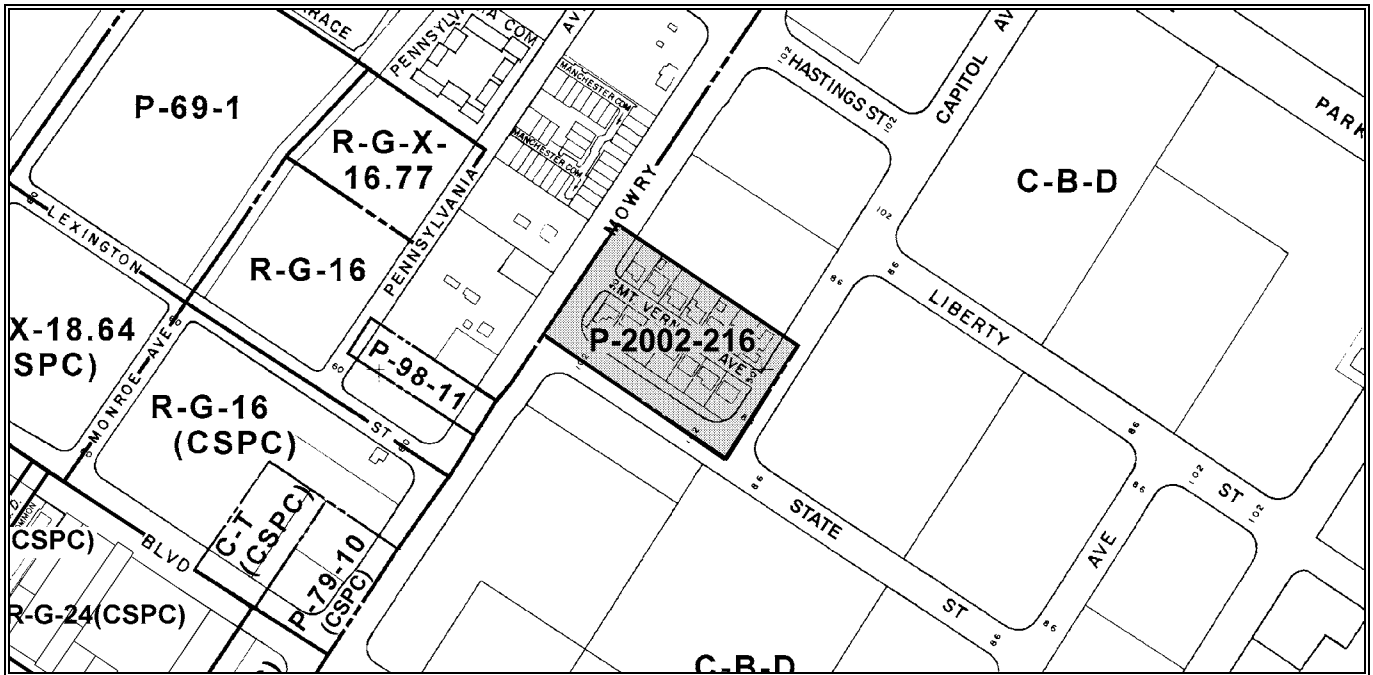
Existing Zoning
Shaded Area represents the Project Site



Existing General Plan



Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

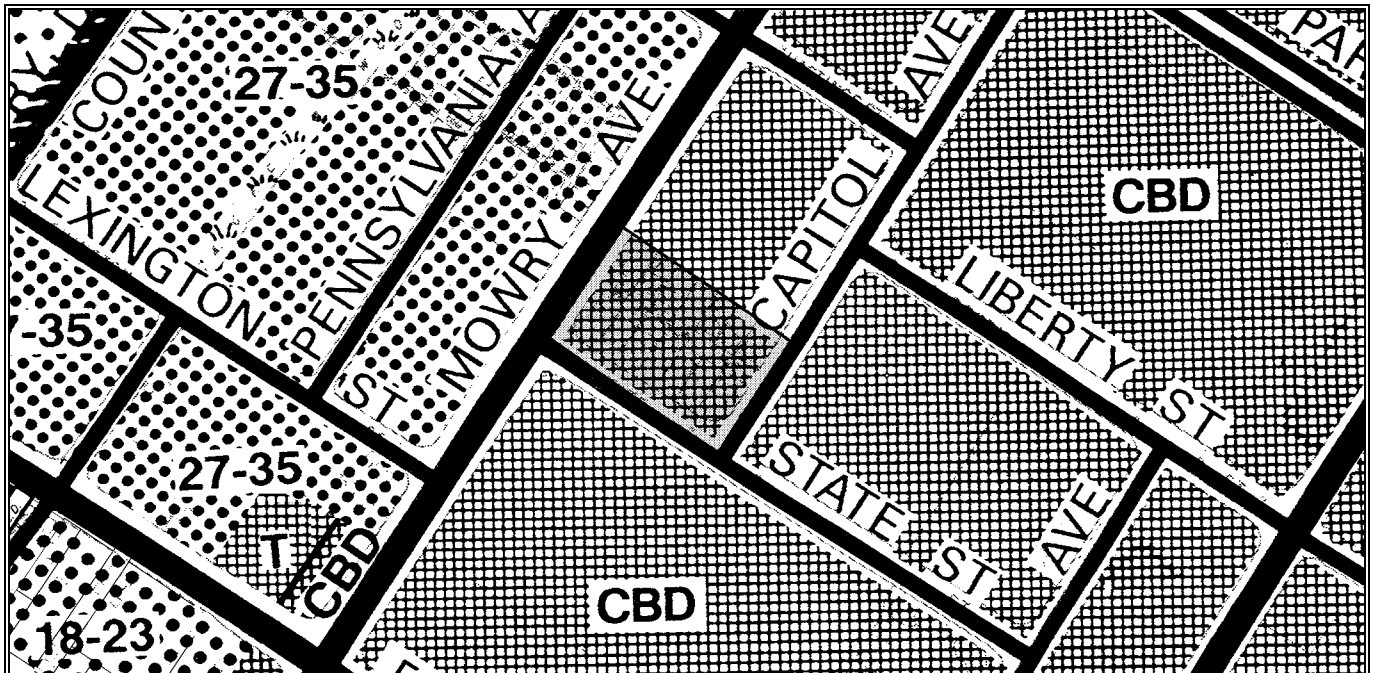


EXHIBIT "A"

Attached to and made a part of

Resolution No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **20 05** .

GENERAL PLAN LAND USE DIAGRAM (SECTION)

AFFECTS LAND USE DIAGRAM(S) FOR THE NORTHERN PLAIN PLANNING AREA



From: Community Commercial

[pc 05-26-2005] 42-388, 48-388

To: Residential Low 5-7 du/ac, Residential Med 15-18 du/ac, & Residential High 23-27 du/ac

Project Name: Housing Element Implementation Program 21 (Ardenwood)

Project Number: PLN2005-00080 (gpa)

dw

EXHIBIT "B"

Attached to and made a part of

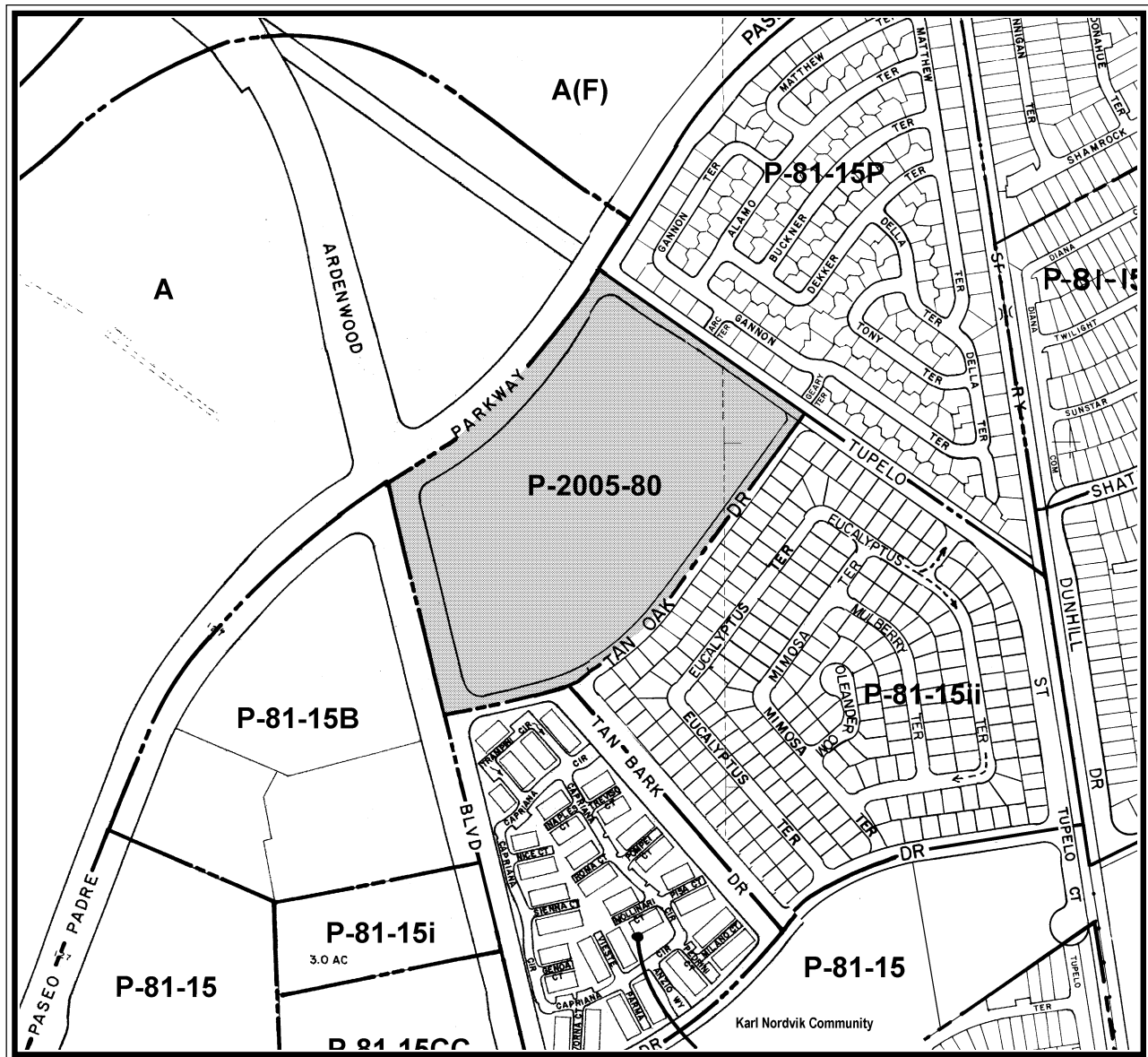
Ordinance No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **20** 05 .

ZONING MAP (SECTION)

AFFECTS ZONING MAP(S) FOR THE NORTHERN PLAIN PLANNING AREA



From: P-81-15W

To: P-2005-80

Project Name: Housing Element Implementation Program 21 (Ardenwood)

Project Number: PLN2005-00080 (pd)

[pc 05-26-2005] 42-388, 48-388

DWC

EXHIBIT “C”

Ardenwood Boulevard @ Paseo Padre Boulevard Planned District (PLN2005-00080)

Purpose: To facilitate the development of approximately 15.6 acres of land as a planned residential community by allowing the development of a mix of residential densities in accordance with the approved General Plan land use designation for the site. The site is located on the south side of Paseo Padre Parkway between Ardenwood Boulevard and Tupelo Street in the Northern Plain Planning Area.

Allowed Uses: Allowed uses are those listed in the R-1-6 (Single-Family) District Development Standards on approximately 5 acres of land along Tan Oak and Tupelo Streets, and R-3-18 and R-3-27 Multi-Family Residence Development Standards on the remaining 10.6 acres of the site.

Preferred uses are those that result in the development of planned residential community with an of 250 units per acre (average mid-point of all density ranges in district). The property owner has included an offer of 20% inclusionary housing for this Planned District, and is hereby included as a requirement of this Planned District.

Site Plan and Architectural Review:

All new residential construction shall be processed through Site Plan and Architectural Review by the Planning Commission. Review shall consider the architecture and site design in relation to the surrounding area, and shall take into account site access and impacts to adjacent residential uses. In addition to the Standards for Approval listed under Section 8-22706 of the Fremont Municipal Code for Site Plan and Architectural Review, the approving body must also make the following findings:

1. The proposed architecture is superior quality and will enhance the visual qualities and complement the character of the area and be an attractive feature for Fremont and the Northern Plain Planning Area.
2. The site plan has provided for pedestrian connections to nearby recreational and community services.
3. Access is provided so as to minimize impacts to adjacent existing residential neighborhoods along Tupelo Street, Tan Oak Street and adjacent thoroughfares.

All other types of construction shall be reviewed by the City's Development Organization in accordance with Section 8-22706 of the Municipal Code.

Building and Site Standards:

Building and site standards shall be referenced in R-1-6 Single-Family, Section 8- 2600 and the R-3 Multi-Family Residence District Standards, Section 8-2756, of the Fremont Zoning Ordinance. Exceptions to these standards may be permitted subject to the review and approval of the Planning Commission and/or City Council.

Other Regulations that may be Applicable:

As referenced in the R-1-6 Single-Family Residential Zoning District, Section 8- 2600 and R-3 Multi-Family Residential Zoning District, Section 8-2757 of the Zoning Ordinance.

EXHIBIT "A"

Attached to and made a part of

Resolution No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **20** 05.

GENERAL PLAN LAND USE DIAGRAM (SECTION)

AFFECTS LAND USE DIAGRAM(S) FOR THE CENTRAL PLANNING AREA



From: Light Industrial and Institutional Open Space

To: Residential, High 23-27 du/ac; Residential, Low 5-7 du/ac; and Institutional Open Space

Project Name: Housing Element Implementation Program 21 (Osgood Rd)

Project Number: PLN2005-00217 (gpa)

[pc 05-26-2005] 78-376

dwc

EXHIBIT "B"

Attached to and made a part of

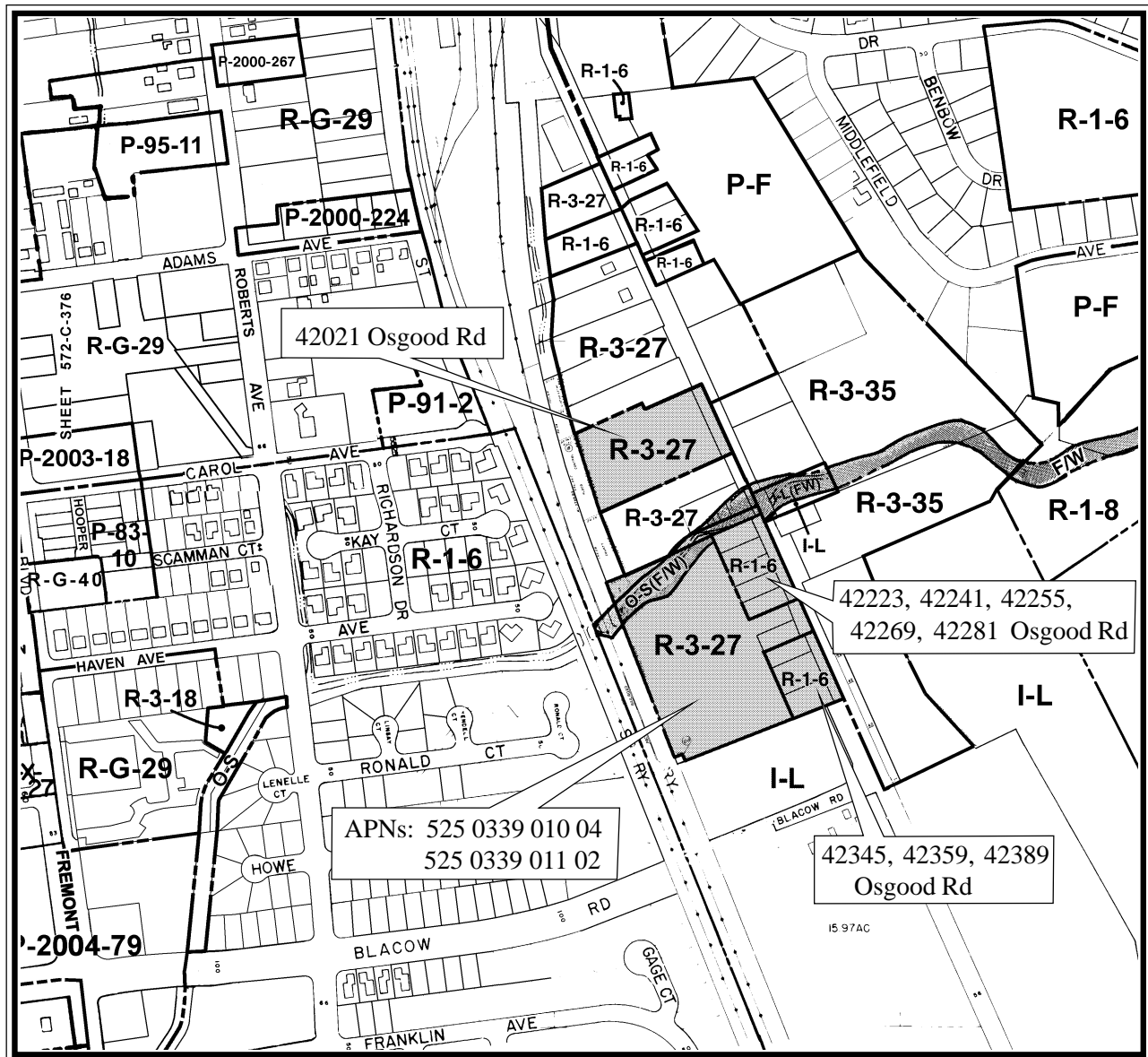
Ordinance No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **20** 05.

ZONING MAP (SECTION)

AFFECTS ZONING MAP(S) FOR THE CENTRAL PLANNING AREA



From: I-L and I-L(F-W)

To: R-3-27, O-S(F-W), and R-1-6

Project Name: Housing Element Implementation Program 21 (Osgood Rd)

Project Number: PLN2005-00217 (rez)

[Signature]

EXHIBIT "A"

Attached to and made a part of

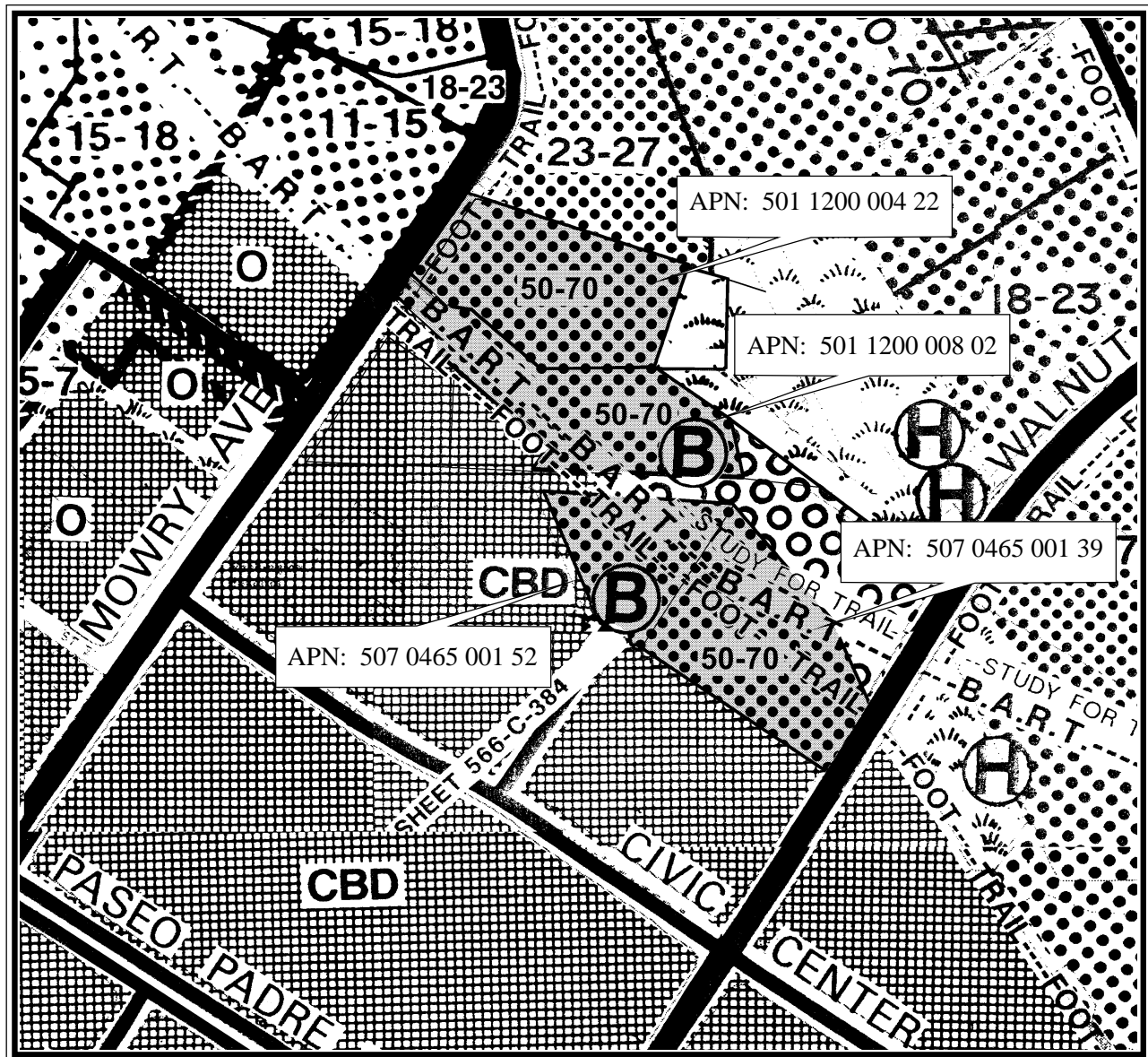
Resolution No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **20 05** .

GENERAL PLAN LAND USE DIAGRAM (SECTION)

AFFECTS LAND USE DIAGRAM(S) FOR THE CENTRAL PLANNING AREA



From: Residential Very High 35-50 du/ac, Public Facility, BART, Foot Trail, & Study for Trail
To: Residential Very High 50-70 du/ac, Public Facility, BART, Foot Trail, & Study for Trail

Project Name: Housing Element Implementation Program 21 (BART)

Project Number: PLN2005-00215 (gpa)

DWC

EXHIBIT "B"

Attached to and made a part of

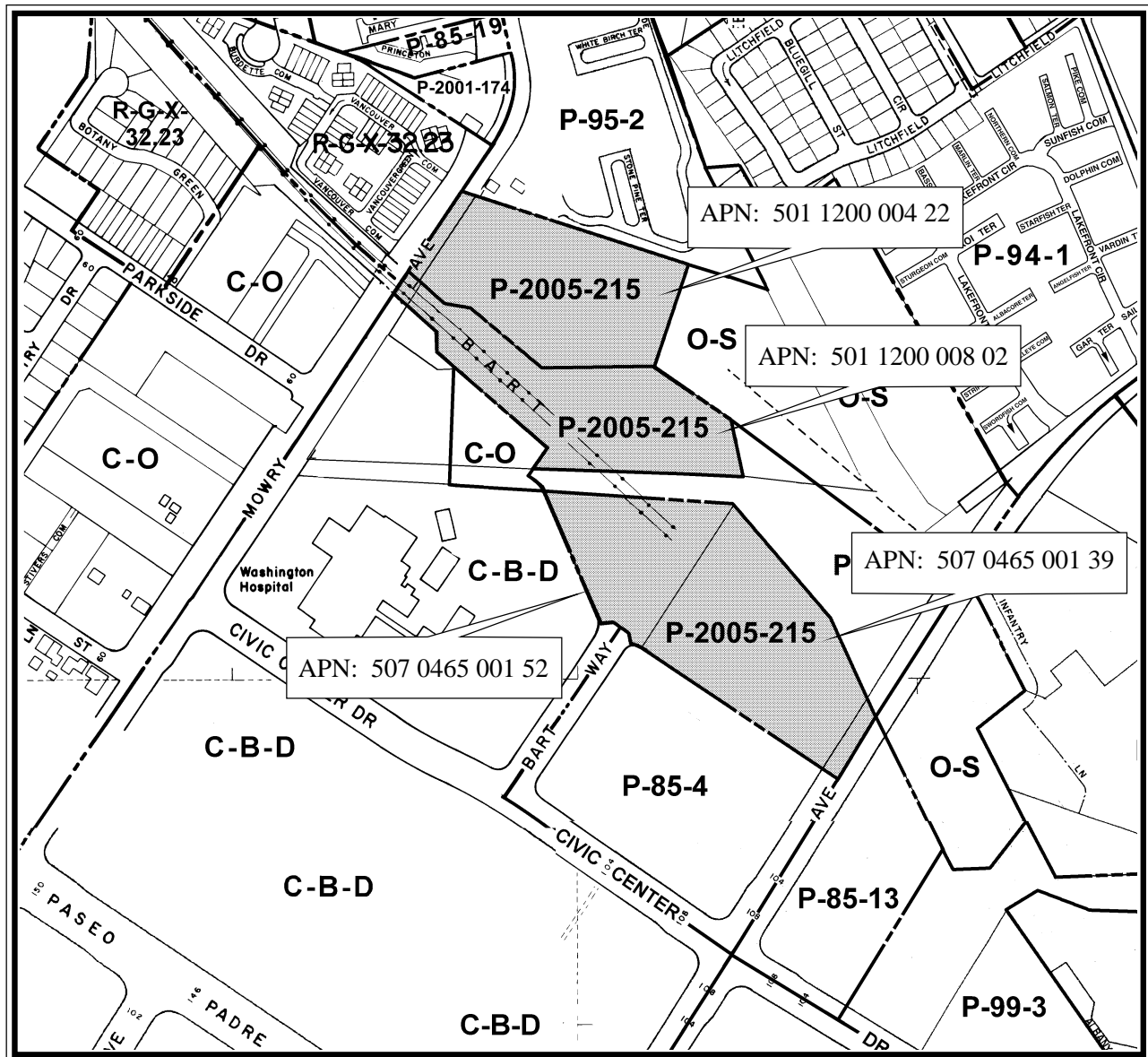
Ordinance No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **20** 05.

ZONING MAP (SECTION)

AFFECTS ZONING MAP(S) FOR THE CENTRAL PLANNING AREA



[pc 05-26-2005] 66-384, 66-388, 72-384, 72-388

From: R-3-50 & P

To: P-2005-215

Project Name: Housing Element Implementation Program 21 (BART)

Project Number: PLN2005-00215 (pd)

DWIC

EXHIBIT “C”

BART Properties (Walnut & Mowry Avenues) Planned District (PLN2005-00215)

- Purpose:** To facilitate development of the four BART parcels consisting of approximately 19 acres that are located on the north side of Walnut Avenue, east of Civic Center Drive and south of Mowry Avenue, which currently are developed with a BART Transit Station, elevated rails and surface parking lots. This Planned District would provide for continued use and expansion of the BART station, including parking, circulation and facility expansion opportunities and would also allow residential development at a density of 50-70 dwelling units per acre. Mixed-use development, which includes ground floor retail uses and office uses above the ground floor, would also be permitted provided that residential development densities are achieved at the midpoint residential density range.
- Allowed Uses:** Permitted uses include: BART Facilities, including buildings, railways, parking facilities and intramodal facilities; residential units at a density of 50 – 70 units per acre in accordance with the R-3-70 Multi-Family Residence District Development Standards, and ground level retail uses in accordance with Mixed-use development requirements (Sec. 8-22148.7) of the Zoning Ordinance, respectively.
- Preferred mixed uses are those that result in the development of residential uses at the range of 60 – 70 units per acre (50 - 70 unit per acre range), where ground floor retail uses are permitted provided the residential development could yield the mid-point density of 60 units per acre.
- Development Review Process:** All subsequent uses shall be processed in the normal fashion for a Permitted, Zoning Administrator or Conditional Use in the R-3 district. Zoning Administrator uses shall be processed as a Planned District Minor Amendment Conditional Uses shall be processed as Planned District Minor Amendments, subject to review and approval of the Planning Commission.
- Site Plan and Architectural Review:** All new residential and/or mixed-use construction shall be processed through Site Plan and Architectural Review by the City Council. The City Council review of any new development of residential and/or mixed use developments in this Planned District is required because the BART site is such an important and visible feature in the CBD and the CBD Concept Plan. The review shall consider the architecture and site design in relation to the surrounding area, and shall take into account site access and the interrelationship between residential and commercial uses both on and off-site. In addition to the Standards for Approval listed under Section 8-22706 of the Fremont Municipal Code for Site Plan and Architectural Review, the approving body must also make the following findings:
1. The proposed architecture is superior quality and will enhance the scenic qualities and complement the character of the area and be an attractive feature for Fremont and the CBD Concept Plan.
 2. The site plan has provided for pedestrian connections to the BART facilities and surrounding pedestrian systems.
 3. Access is provided so as to minimize impacts to adjacent thoroughfares.
- All other types of construction shall be reviewed by the City's Development Organization in accordance with Section 8-22706 of the Municipal Code.

**Building and
Site Standards:**

Building and site standards shall be reference the R-3 Multi-Family Residence District Standards, Section 8-2756, and Mixed-use development requirements, Section 8-22148.7, of the Fremont Zoning Ordinance. Exceptions to these standards may be permitted subject to the review and approval of the Planning Commission and/or City Council.

**Other
Regulations
that may be
Applicable:**

As referenced in the R-3 Multi-Family Residence Zoning District, Section 8-2757 and Mixed-use development requirements (Sec. 8-22148.7) of the Zoning District.

**Applicable
Mitigations:**

Future development of the area that results in the redevelopment to very high density residential uses shall be subject to the mitigation measures adopted for PLN2005-00215.

EXHIBIT "B"

Attached to and made a part of

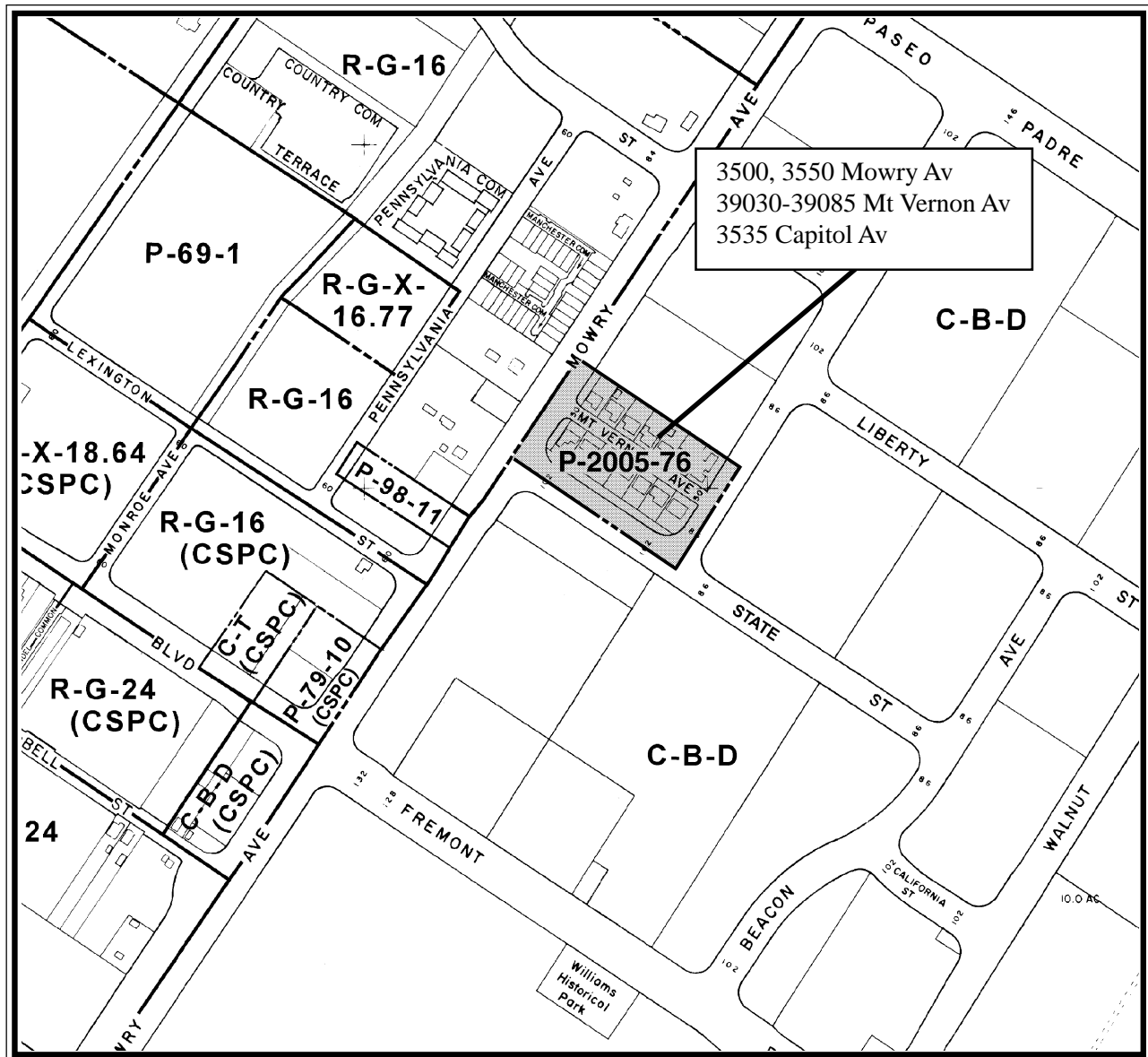
Ordinance No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, 20____.

ZONING MAP (SECTION)

AFFECTS ZONING MAP(S) FOR THE CENTRAL PLANNING AREA



From: P-2002-216

To: P-2005-76

Project Name: Housing Element Implementation Program 21 (Mt Vernon)

Project Number: PLN2005-00076 (pd)

[pc 05-26-2005] 66-384

DWC

EXHIBIT ~~"B"~~ "C"

Findings and Conditions of Approval ~~Development Standards for PLN2002-246~~ PLN2005-00076 (Planned District) Mount Vernon Planned District (P-2005-76)– 39010, 39013, 39018, 39021, 39030, 39033, 39042, 39045, 39054, 39057, 39062, 39074, 39077, 39082, 39085 Mount Vernon Avenue; 3500 and 3550 Mowry Avenue and 3535 Capitol Avenue

The findings below are made on the basis of information contained in the staff report to the Planning Commission dated ~~March 14, 2002~~ May 26, 2005, incorporated hereby.

FINDINGS FOR PLANNED DISTRICT

P-District Zoning may be initiated by the City Council if the area to be zoned meets the purposes of a planned district as set forth in section 8-21810. A PD District initiated by the city shall not require the city to provide preliminary or precise site plans at the time of rezoning action.

Under "Purpose," Section 8-21810 states the following:

To encourage and provide a means for effectuating desirable development, redevelopment, rehabilitation and conservation in the city, which features variations in siting, mixed land uses and/or varied dwelling types.

Finding: the Mount Vernon Avenue area is a unique area within the City's Central Business District and adjacent to the City's planned commercial "main street" along Capitol Avenue and the heart of the City's future downtown. The proposed Planned District will establish appropriate regulations and guidelines to ensure this area develops in a manner consistent with the General Plan and the Central Business District Concept Plan.

In addition, the Planning Commission must recommend, and the City Council must make the following relevant finding (Section 8-21811(i))

The uniqueness of the size, shape, topography of the property or its relationship to adjacent parcels, historical character or landscaping features is such that the property can best be developed as a P-District.

Finding: the Mount Vernon Avenue area is a unique area within the CBD composed of largely non-conforming, small single family lots in an area that has long been planned to be a higher intensity commercial downtown for a large city. The area has substandard public streets and a poor pedestrian environment. It is surrounded by commercial development. The proposed regulations and guidelines will ensure this area develops in a manner consistent with the General Plan and Central Business District Concept Plan.

FINDINGS FOR INCREASE IN FAR

Under Policy LU 2.2 of the General Plan, an increased FAR may be granted in the CBD at the discretion of the Council if it provides an extraordinary benefit to the City and/or unique circumstances would reduce the impacts of the increase in comparison to other projects.

Finding: The proposed minimum FAR in the Mount Vernon area would encourage the achievement of the Central Business District Concept Plan by encouraging higher intensity residential and ground-level commercial/retail uses consistent with a "downtown.". The proposed PD will also encourage the consolidation of parcels and shared or structured parking.

The small size of Mount Vernon parcels suggests that, even if two or three parcels are assembled, the practical development potential of a site is highly limited in relation to larger parcels in the CBD. The overall net development potential of the Mount Vernon PD is 76,800 square feet – the size of one recently approved office building in the CBD on a more typical parcel. This is a very small contribution to the 3.5 million square feet of development planned for the CBD between 1990 and 2010 (of which, less than 300,000 has been built).

PURPOSE: To facilitate the development of approximately 2.43 acres of land located on Mount Vernon Avenue between Mowry Avenue and Capitol Avenue in accordance with the Central Business District Concept Plan for Focus Area 4 by allowing mixed use developments containing residential units above ground floor commercial uses at a density range of 50 – 70 units per acre as shown in Exhibit “B”. This P District supersedes the previously approved P-2002-216 Planned District dated March 14, 2002. Any proposed development in this district shall be and complementary to, and consistent with, the development of the downtown project, located southerly of State Street.

This P District incorporates the allowed uses, development standards and review processes as previously approved by P-2002-216 along with modifications that incorporate and additionally provide for the development of mixed-use (ground floor commercial with high density residential uses above) as envisioned in the CBD Concept Plan. New language to provide for such residential development has been added accordingly and is shown in underline text.

CONDITIONS OF APPROVAL PLANNED DISTRICT DEVELOPMENT STANDARDS AND REQUIREMENTS:

1. **Floor Area Ratio:** The *minimum* Floor Area Ratio (FAR) for all new commercial buildings is 0.8 and the maximum is 1.0. Floor area ratios above 1.0 may be ~~permitted~~ considered through an application for a major amendment to this Planned District. Floor area ratios are not applicable to:
 - mixed use projects that meet the minimum density of 60 units/acre and a maximum density of 70 units/acre. Bulk, height and mass of new mixed use projects will be considered based upon satisfaction of the criteria listed below.
 - Legal parcels of land vacant as of the date of adoption of this ordinance.
2. **Uses:** Any uses permitted in the Central Business District zoning are permitted ~~along Mount Vernon,~~ with the following modifications and ~~additions~~ limitations:
 - new buildings fronting on Capitol Avenue (as further described under #4) shall have ground floor retail uses allowed under section 8-21201(h) of the Zoning Ordinance.
 - new buildings fronting on Mount Vernon may have any use permitted in the Central Business district (section 8-21201), including on the ground floor;
 - an existing residential building may be converted to any commercial use ~~consistent with the uses~~ permitted in the CBD (section 8-21201), so long as the parking and other standards of the Fremont Municipal Code (FMC) and this Planned District are satisfied;
 - existing residential uses are non-conforming and may not be expanded (i.e., building additions are not permitted for buildings occupied as residences);
 - New residential units may only be permitted above the ground floor. The ground floor shall be reserved for uses allowed with the CBD as specified above.
3. **Building and Site Standards:** Building and site standards shall be those found in the Central Business (CBD) Zoning District, (Section 8-21005), the R-3 Multi-Family Residence District Standards (Section 8-2756) of the Fremont Municipal Code as modified by this Planned District (P-2005-76). Exceptions to these standards may be considered upon recommendation of the Planning Commission and approval by the City Council.
4. **Additions:** Additions to existing commercial buildings are permitted to a maximum of 50 percent of the existing floor area of the building, subject to design review and to the other requirements of FMC such as parking and access. As noted above, additions to buildings are only permitted for commercial buildings or when an existing residential building is converted to a commercial use permitted in the CBD.
5. **Pedestrian-oriented retail design:** The first floor of all new buildings shall have a “retail physical character” fronting on the street with minimum setbacks from the property line/sidewalk as shown in the Design Guidelines for Mount Vernon Avenue (~~Exhibit C~~). Parcels on Capitol shall front on Capitol with a secondary frontage extending down Mount Vernon. Parcels on Mowry Avenue shall be oriented to Mount Vernon with a secondary frontage on Mowry. A pedestrian character and secondary entrances are also encouraged, to the degree feasible, along State Street.
6. **Sidewalk and streetscape:** Street and sidewalk dedication and improvements as shown in ~~Exhibit C~~ the Design Guidelines for Mount Vernon Avenue shall be implemented with any proposed development which increases the floor area on a site by more than 50% or by 1,000 square feet, whichever is less, or for a new building.

7. **Applicable mitigations:** Future development of the area that results in the redevelopment to mixed high density residential and commercial uses shall be subject to the mitigation measures adopted for PLN2005-00076.

PROCESSING OF APPLICATIONS UNDER THIS PLANNED DISTRICT:

All proposed new buildings and additions consistent with these Planned District standards may be processed as minor amendments to the Planned District subject to Planning Commission review and approval. Buildings proposed that are determined by staff to be inconsistent with these standards or the intent of these standards shall be processed as major amendments, subject to the review and approval of the City Council upon recommendation of the Planning Commission.